

REMARKS

Claims 1-5 stand rejected as being unpatentable over Wafer (US 5,404,615) in view of White, Jr. (US 4,956,167) and in further view of Thompson (US 4,103,868). The Examiner's rejection is traversed for the following reasons.

First, it is noted that Wafer is directed toward a handle "having a centrally located hub section 14 which is adapted to be detachably connected with the valve stem" Col. 2, lines 63-65. The Wafer handle is adapted to be attached or linked to a another, identical handle so as to effectively elongate the handle. The Examiner states that Wafer teaches a "distal end having an opening 26 that is adapted to receive a drive head 16 of a ratchet handle 100 (Figs. 6-7)". The Examiner is mistaken. Wafer never, in any way, teaches use of a ratchet handle - the handle 100 is not a ratchet handle. Further, the handle end 16 is not a drive head of a ratchet. The Examiner's attention to this matter, and clarification of his remarks, is requested.

Specifically, it is important to note that Wafer does not teach or suggest use of a ratchet handle as a handle extension, as in the presently claimed invention, and does not teach a valve handle having an opening that is adapted to receive such a ratchet handle.

The Examiner cites White, Jr. as teaching "a ratchet handle 20 with a square opening 27 adapted to receive a ratchet handle 22 with an opening generally transverse to the length direction of the handle". It is noted that White, Jr. has nothing to do with valve handles, or assemblies including valve handles, or with methods for opening valves, as in the presently claimed invention. Rather, White,

Jr. is only concerned with a "wrench set". There is no suggestion in White, Jr. of using the assembly as a valve handle - the only contemplated functionality is as a wrench.

Thompson is cited for teaching a rotary valve member. The Examiner proposes to replace the gate valve of Wafer with the ball valve of Thompson.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

It is respectfully submitted that there is no motivation or suggestion to combine the references in the manner proposed by the Examiner. Why would someone skilled in the art of gate valves, such as taught by Wafer, look to the wrench set of White, Jr., to develop a new handle, and then replace the gate valve with the ball valve of Thompson? It is noted that the problems encountered in Wafer (which has a centrally disposed rotational moment (valve handle)) are completely from the problems encountered in White, Jr. (a wrench set with a distally-disposed rotational moment). Accordingly, it is considered apparent that one skilled in the art would not be motivated, based upon the teachings of the cited prior art, to combine the references in the manner required to arrive at the claimed invention. If the

Examiner intends to maintain this rejection, it is requested that he clearly indicate what the basis (i.e., motivation/suggestion in the art) is for this combination. Absent such motivation in the art, it must be concluded that the present application provides the only motivation for the proposed combination of references and, hence, the rejection is invalid for hindsight.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is urged to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. GRO-12525.

Respectfully submitted,

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